

From: Gallagher, Shirin
Sent time: 08/27/2014 05:08:26 PM
To: Kushner, Adam M. <adam.kushner@hoganlovells.com>
Subject: RE: Flint Hills CAFO edits
Attachments: Flint Hills Refining Consent Agreement and Final Order 8-27-14 clean.pdf

Hello Adam:

Here's a final (clean) copy of the Flint Hills CAFO ready for your client's signature. I accepted all of the edits in your redline version sent this morning.

Please have the originally signed copy returned to my attention at this address:

Shirin V. Gallagher, Assistant Regional Counsel

U.S. Environmental Protection Agency

Region 10, Mail Stop ORC-158

1200 Sixth Avenue, Suite 900

Seattle, Washington 98101

I'll then route it for signature at EPA and will file it with the Regional Judicial Officer.

I look forward to discussing any final issues tomorrow morning. Thanks,

-Shirin

From: Kushner, Adam M. [<mailto:adam.kushner@hoganlovells.com>]
Sent: Wednesday, August 27, 2014 10:37 AM
To: Gallagher, Shirin
Subject: RE: Flint Hills CAFO edits

12:30 would work. I will send you an invitation.

From: Gallagher, Shirin [<mailto:Gallagher.Shirin@epa.gov>]
Sent: Wednesday, August 27, 2014 1:36 PM

To: Kushner, Adam M.
Subject: RE: Flint Hills CAFO edits

Thanks, Adam. I will take a closer look at this later today just to confirm that everything is in order.

Are you available to talk at 9:30 PT/ 12:30 ET on Thursday? If that doesn't work well for you, I am available to talk anytime between 9:30 and noon Pacific time.

-Shirin

From: Kushner, Adam M. [<mailto:adam.kushner@hoganlovells.com>]
Sent: Wednesday, August 27, 2014 8:59 AM
To: Gallagher, Shirin
Subject: RE: Flint Hills CAFO edits

Shirin:

Attached please find a redlined version of the proposed penalty order.

We have accepted the changes and deleted the comment notes. We have used redline to suggest changes to language that had not been incorporated into your draft, but where you had signaled such language change was acceptable.

As a consequence, it appears that Flint Hills and EPA are in agreement with respect to all essential terms of the agreement as well as the specific language of the document.

If you agree, please forward a final version of the proposed penalty order so that I might forward to Flint Hills for its signature.

Also, I would like to find some time to speak on Thursday. What time works best for you?

Sincerely,

Adam

From: Gallagher, Shirin [<mailto:Gallagher.Shirin@epa.gov>]
Sent: Tuesday, August 26, 2014 6:34 PM
To: Kushner, Adam M.
Subject: Flint Hills CAFO edits

Hello Adam:

I've reviewed your proposed edits to the Flint Hills CAFO and attached another version here where I've either accepted your edits or rejected them and added an explanatory comment as to why. While I've accepted most of what you proposed, the changes you are seeking related to the scope of the release are broader than what EPA can provide under Part 22. I've quoted some of the language from the Part 22 preamble that addresses the topic.

Please let me know if this version is acceptable to your client.

I have a settlement meeting in another matter all day tomorrow (Wednesday). Perhaps we can touch base on Thursday morning to wrap this up as needed?

Thanks in advance,

-Shirin

Shirin Venus Gallagher

Assistant Regional Counsel

EPA Region 10

Tel: 206-553-4194

Email: gallagher.shirin@epa.gov

This email may contain material that is confidential, privileged, and/ or work product for the sole use of the intended recipient. Any review, reliance, distribution by others, or forwarding without express permission is strictly prohibited. If you are not the intended recipient please contact the sender and delete all copies.

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be privileged. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system.